

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**RICHARD KAVANAUGH, *as personal
Representative of the Estate of
Rose Kavanaugh and as Named
Beneficiary under the Plan,***

Plaintiff,

v.

23-CV-380S(Sr)

ORDER

**NIAGARA FALLS MEMORIAL
MEDICAL CENTER, et al.,**

Defendants.

This case was referred to the undersigned by the Hon. William M. Skretny, pursuant to 28 U.S.C. § 636(b)(1)(A), for pretrial proceedings, including the entry of a Case Management Order.

Within twenty-one (21) days of the entry of this Order, attorneys for the parties shall meet [if a party is unrepresented, the actual party will be directed to meet] and comply with Rules 26(a)(1) and 26(f) of the Federal Rules of Civil Procedure. Within fourteen (14) days of this meeting, the parties shall submit a proposed Case Management Order to the chambers of the undersigned in accordance with Rule 26(f). The enclosed proposed order shall be considered when formulating said plan but shall not be a substitute for full compliance with Rule 26(f).

Attorneys for the parties [if a party is unrepresented, the actual party] shall also confer about Alternative Dispute Resolution (“ADR”), as part of their discussion of “the possibilities for a prompt settlement or resolution of the case” pursuant to Rule 26(f). Unless the parties agree to a different intervention, it is presumed that they will

participate in mediation as set forth in the Plan for Alternative Dispute Resolution.¹

The Magistrate Judge is available to conduct any or all proceedings in a jury or non-jury civil matter and to order the entry of judgment in the case pursuant to 28 U.S.C. § 636(c). Attached hereto is a Notice of Right to Consent to Disposition of a Civil Case by a United States Magistrate Judge, together with a consent form, for consideration by the parties. **The parties are encouraged to consider and act favorably on such consents; however, it is emphasized that there will be no substantive adverse consequences should the parties elect not to do so.** Counsel are directed to discuss this option with their clients **prior** to the submission of the proposed Case Management Order to the Court.

Following submission of the proposed Case Management Order, the Court will enter a Case Management Order in accordance with Fed.R.Civ.P. 16(b). A preliminary pretrial conference will not be scheduled unless requested by the parties or deemed necessary by the Court.

SO ORDERED.

DATED: Buffalo, New York
August 15, 2023

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge

¹ A copy of the ADR Plan, a list of ADR Neutrals, and related forms and documents can be found at <http://www.nywd.uscourts.gov> or obtained from the Clerk's Office.